

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

AWAYA

Serial No. 09/986,051

Filed: November 7, 2001

For: SEMICONDUCTOR DEVICE AND METHOD OF  
MANUFACTURING THE SAME



Atty. Ref.: 900-403

Group: 2812

Examiner: Nguyen, H. T.

#4/Election  
Atty  
6/6/02

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JUN - 3 2002  
TECHNOLOGY CENTER 2800

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

ELECTION UNDER 35 USC §121

In response to the Office Action dated May 2, 2002 holding the subject matter of claims 6-9 to be non-obvious and patentably distinct from that of claims 1-5, Applicant(s) hereby elect the invention of Group II, (upon which claims 1-5 are readable) for further substantive examination.

This election is made without traverse. However, since a restriction requirement is never proper unless the restricted group of claims is patentably distinct (i.e., inter alia, non-obvious under 35 USC §103) from the elected group of claims, the Examiner is requested to insure that such patentable distinctness is present before proceeding to make the requirement final.

It is respectfully requested that the non-elected claims be retained for use with a possible divisional application.

Respectfully submitted,  
NIXON & VANDERHYE P.C.

May 31, 2002

By: H. Warren Burnam, Jr.

H. Warren Burnam, Jr.

Reg. No. 29,366

HWB:lsb

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Atty Dkt. 900-403

AWAYA

C# M#

Serial No. 09/986,051

Group Art Unit: 2812

Filed: November 7, 2001

Examiner: Nguyen, Ha T.

Title: SEMICONDUCTOR DEVICE AND METHOD OF MANUFACTURING THE SAME

Date: May 31, 2002

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

**RESPONSE/AMENDMENT/LETTER**

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

**Fees are attached as calculated below:**

Total effective claims after amendment 9 minus highest number  
previously paid for 20 (at least 20) = 0 x \$ 18.00 \$ 0.00

Independent claims after amendment 7 minus highest number  
previously paid for 7 (at least 3) = 0 x \$ 84.00 \$ 0.00

If proper multiple dependent claims now added for first time, add \$280.00 (ignore improper) \$ 0.00

Petition is hereby made to extend the current due date so as to cover the filing date of this  
paper and attachment(s) (\$110.00/1 month; \$400.00/2 months; \$920.00/3 months) \$ 0.00

Terminal disclaimer enclosed, add \$ 110.00 \$ 0.00

☐ First/second submission after Final Rejection pursuant to 37 CFR 1.129(a) (\$740.00) \$ 0.00

☐ Please enter the previously unentered, filed

☐ Submission attached

**Subtotal** \$ 0.00

If "small entity," then enter half (1/2) of subtotal and subtract -\$ 0.00

☐ Applicant claims "small entity" status. ☐ Statement filed herewith

Rule 56 Information Disclosure Statement Filing Fee (\$180.00) \$ 0.00

Assignment Recording Fee (\$40.00) \$ 0.00

Other: 0.00

**TOTAL FEE ENCLOSED** \$ 0.00

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

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NIXON & VANDERHYE P.C.  
By Atty: H. Warren Burnam, Jr., Reg. No. 29,366

Signature: *H. Warren Burnam, Jr.*